

REMARKS OF INDIANA SUPREME COURT JUSTICE FRANK SULLIVAN, JR.,
TO THE STATE BUDGET COMMITTEE

Indianapolis, Indiana
October 5, 2000

**State Budget Committee Asked to Recommend \$11.82 Million for
Supreme Court's Judicial Automation and Technology Project**

Mr. Chairman, the Indiana Supreme Court respectfully requests that the State Budget Committee recommend to the General Assembly an appropriation of \$11.82 million for the 2001-2003 biennium to implement the Court's Judicial Technology and Automation Project. We believe that this project, if funded, will:

1. Allow Indiana trial court's and court clerks to manage their caseloads faster and more cost-effectively.
2. Provide users of Indiana trial court information -- notably the B.M.V. and the State Police, state policymakers, and the public -- with more timely, accurate, and comprehensive information.
3. Reduce the cost of trial court operations borne by Indiana counties.
4. Allow an examination of the feasibility of implementing important technological innovations in Indiana trial courts.

Mr. Chairman, as a purely technical matter, we view this request as one in the nature of a capital appropriation, much like the school technology project funded by the General Assembly last year. However, in accordance with Budget Agency instructions, we have submitted the request using the forms for operating appropriations.

Mr. Chairman, last year 1.6 million cases were filed in Indiana courts. That 1.6 million total included 670,000 infractions, 290,000 small claims cases, 280,000 felony and misdemeanor criminal cases, 60,000 juvenile cases, and 40,000 divorces. I need not tell you that keeping track of each of these cases -- and what is going on in each of these cases -- is an extremely important responsibility of courts and court clerks. When a lawyer files a motion with the court, when a court hearing is held, when a judge makes a ruling -- each of these events must be entered in the record for there to be a complete and accurate account of what happens in each case. You can readily see the many advantages of computerizing court record keeping responsibilities. We generally refer to computer programs that keep track of what is going on in pending cases as "case management systems."

Not surprisingly, most Indiana counties have invested to at least some degree in computerizing court case management systems. These supply the same time-saving and

cost-saving benefits to courts and court clerks that computers bring to virtually every public and private enterprise. And I anticipate that counties will continue to make these investments precisely because they save time and save money and increase productivity.

The point I want to emphasize is this. Whether or not the General Assembly approves the request we make of you today, substantial sums -- perhaps even more than the total amount we request -- will be spent on trial court computerization in the next biennium. That is beyond question. The questions for the Supreme Court and the General Assembly and the State Budget Committee are, one, where will the money come from, and two, what will it be spent on.

Starting with the second of those questions first, we believe that the money ought be spent on providing each trial court and court clerk with a case management system that meets the specifications described in our budget submission. It is not our intent to mandate any particular case management system. There are many vendors who produce case management software and others entering the market all the time. As I mentioned, some counties already have invested heavily in case management systems. We have no desire to mandate a particular vendor or require a county to abandon one system for the sake of another. But we do believe that every court's and court clerk's case management system should meet minimum requirements in order to produce maximum benefits. Those requirements have been developed by the Supreme Court over the last five years with the support of a substantial grant through the Criminal Justice Institute. As I say, these specifications are described in our budget submission and we can provide additional technical detail as well.

The other question, "Where will the money come from?," requires more discussion. We could, of course, simply leave it up to counties to continue to fund their own case management systems. But this would further the status quo in which there is little to no coordination among counties -- and often among courts in the same county -- and the inefficiencies that accompany lack of coordination.

There would, of course, be some property tax relief benefits in funding case management systems from the state budget. But we are firmly convinced that in addition to providing property tax relief, there are additional, substantial benefits to state government in implementing the Supreme Court Judicial Technology and Automation Project that warrant funding it from the state budget.

First, consider the situation in an Indiana county in which Mr. Defendant is found guilty of a felony -- OWI causing bodily injury -- and has his driver's license suspended. The judge's order suspending his license is typed up and mailed to Indianapolis. When received, the B.M.V. keys the information into its data processing system. It is only at that point that the B. M. V. data processing system reflects that fact.

As to the felony conviction, the order of conviction is typed up and then picked up by the prosecutor's office. In the prosecutor's office, it is keyed into a special computer program called Proslink. Each night that information is transferred electronically to the

State Police Criminal history registry. It is only at that point that a criminal records check will show the conviction.

As you can see, depending on how long it takes the court to produce the orders and the B.M.V. to enter the information, Mr. Defendant could be stopped on another charge without a record check revealing the suspension. The criminal history situation is better -- 50 counties are connected to Proslink and 82 will be on-line by the end of the year. But even Proslink is not a real-time system and is totally dependent upon the prosecutors' offices which have no legal responsibility for maintaining court records.

Under our specifications for case management systems, at the point a trial court judge enters a judgment of conviction in a felony or Class A misdemeanor case or suspends a driver's license, the judge essentially pushes a button and the information is instantaneously transmitted to the B. M. V. computer system and the State Police criminal history repository. The fact of Mr. Defendant's conviction is in the State Police system and his suspension is in the B. M. V. system before Mr. Defendant leaves the courthouse.

Second, each year the General Assembly and its Commission on Courts receives multiple requests to create new courts. Each year, the Supreme Court assesses the relative workload of Indiana trial court judges and makes adjustments to try to bring those workloads into approximate balance. The information the General Assembly, the Commission, and our court rely on consists of statistics compiled by our Division of State Court Administration from numbers prepared and submitted by hand from each trial court.

Under our specifications for the case management system, accurate case statistics are collected automatically and transmitted electronically to the Division of State Court Administration. Not only is the time, expense, and potential for error in compiling these numbers in each county eliminated; but the data being used by legislative and court policymakers can be updated instantaneously at any point in time.

As you can see, in addition to helping trial courts operate more efficiently at the local level, implementation of the Judicial Technology and Automation Project offers significant benefits to such state-level responsibilities as maintaining accurate and up-to-date B.M.V. records and criminal history records and providing accurate and current statistical information for legislative and Supreme Court decisions on the allocation of judicial resources.

To be blunt about it, public safety considerations and judicial resource decisions require technology that allows courts to share criminal history and other important information as fast as banks and credit card companies share our personal financial information.

Mr. Chairman, I hope these two examples illustrate why we believe that it is in the state's interest to fund a network of case management systems for Indiana trial courts. Some states have funded such systems directly from the state treasury; others have im-

posed a special technology surcharge on court filing fees with the proceeds dedicated to court technology. We would be pleased to explore either of these alternatives with this Committee and with the General Assembly. We also believe that county governments should continue to pay for the day-to-day operation of computer systems in their court-houses. But the capital expense of hardware and software installation or, where a county already has a case management system in place, upgrading an existing system to comply with our standards should be funded, we respectfully request, from the state budget.

Mr. Chairman, together we can greatly improve the service that Hoosiers receive from their courts by equipping those courts with 21st century technology. On behalf of the Supreme Court and its Judicial Technology and Automation Committee, I appreciate this opportunity to present our request and look forward to your questions.